

TITLE 14. NATURAL RESOURCES
DIVISION 2. DEPARTMENT OF CONSERVATION
CHAPTER 5. DIVISION OF RECYCLING

Legend:

Underline: Proposed Permanent Additions

~~Strikeout:~~ Proposed Permanent Deletions

SUBCHAPTER 4. DISTRIBUTORS

Article 1. Distributor Requirements

§2305. RECORDKEEPING.

A distributor shall maintain the following records by individual sale or transfer and in accordance with the general requirements set forth in section 2085 of subchapter 2 of these regulations.

(a) Receipt of Beverage Containers. A distributor shall maintain records, by individual sale or transfer, of all beverage containers received, including all containers which bear the message as required in Section 14561 of the Act. The records shall contain all of the following information:

(1) The quantity received by material type, of beverage containers, including all containers which bear the message as required in Section 14561 of the Act;

(2) The full name and address of the beverage manufacturer or other originating person; and

(3) The date the beverage containers, including all containers which bear the message as required in Section 14561 of the Act, were received by the distributor.

(b) Sale or Transfer of Beverage Containers. A distributor shall maintain records, by individual sale or transfer, of all beverage containers, including all containers which bear the message as required in Section 14561 of the Act on all CRV beverage containers, and refillable beverage containers sold or transferred to other distributors, dealers, or consumers. The records shall contain all of the following information:

(1) The quantity by material type of all beverage containers, including all containers which bear the message as required in Section 14561 of the Act, and refillable beverage containers;

(2) The full name and address (and the shipping or destination name and address, if different) of the dealer, consumer, or other distributor to whom the beverage containers, including refillable beverage containers and containers which bear the message as required in Section 14561 of the Act, were sold or transferred; and

(3) The date(s) the beverage containers, including all the containers which bear the message as required in Section 14561 of the Act, and refillable beverage containers, were sold or transferred.

(c) The Distributor Report, DR-3 ~~(10/06)~~ (7/07) and Payments to the Division. A distributor shall maintain the DR-3 ~~(10/06)~~ (7/07) and payment records prepared pursuant to sections 2310 and 2320 of this subchapter.

(d) Rejected Containers. A distributor shall maintain records of any recycling, processing, or other disposition of rejected containers and any payments therefor. These records shall include receipts or statements signed by the recycling center, processor, or other recipient. Such receipts shall state the weight by material type of the rejected containers and any payment made or credit granted therefor.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14530.5, 14537, 14550(b) and (c), 14561, and 14572.5, Public Resources Code.

§2310. REPORTING.

(a) A distributor shall prepare and submit to the Division the Distributor Report, DR-3 ~~(10/06)~~ (7/07) in accordance with the general requirements for reporting contained in section 2090 of these regulations.

(1) The DR-3 ~~(10/06)~~ (7/07) for sales or transfers of beverage containers shall be submitted no later than the last day of the third month following the month of sales. For example, sales of January 2000 shall be reported on April 30, 2000; sales of February 2000 shall be reported on May 31, 2000; sales of March 2000 shall be reported on June 30, 2000; etc.

(2) The DR-3 ~~(10/06)~~ (7/07) shall contain all of the following information:

(A) The distributor's name, address, contact person, and telephone number of the contact person;

(B) The distributor's assigned identification number, ~~specific to the beverage type reported. A report of sales or transfers of beer and malt beverage containers shall include an assigned identification number with the prefix "DB". A report of sales or transfers of beverage containers other than beer and malt beverage containers shall include an assigned identification number beginning with the prefix "DS". A separate DR-3 (10/06) shall be submitted for each "DB" and "DS" identification number;~~

(C) The reporting period;

(D) The total number and total empty weight of beverage containers, by material type and size, including all containers which bear the message as required in Section 14561 of the Act, sold or transferred;

(E) The total number of beverage containers identified in subparagraph (C);

(F) Redemption payment and administrative fee:

1. The redemption payment for each material type by size, and
2. The total redemption payment,
3. The administrative fee deducted, and
4. The total due to the Division;

(G) The total number and total empty weight of refillable beverage containers sold, transferred, and returned to the distributor. Each of these items shall be reported by material type; and

(H) The signature of an authorized representative and date signed.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14530.5, 14550 (b) and (c), 14560, 14561, and 14574, Public Resources Code.

(No change to Section 2320 after the adoption of the Distributor Administrative Fee Emergency Regulations package.)

§2320. PAYMENTS.

(a) The distributor shall pay to the Division the total redemption payment for all beverage containers, including all containers which bear the message as required in Section 14561 of the Act, sold or transferred to dealers or consumers, less the administrative fee authorized in Section 14574 of the Act. Notwithstanding any other provisions of this subchapter, this administrative fee shall not be deducted from the calculated redemption payment, if the Division calculates the redemption payment owed by the distributor to the Division.

(b) Redemption Payments. The distributor shall compute total redemption payment, by material type, by multiplying the number of beverage containers, including all containers which bear the message as required in Section 14561 of the Act, reported pursuant to section 2310(a), by the currently effective redemption payment per container for that material type. The currently effective redemption payment shall also be applicable for all containers which bear the message as required in Section 14561 of the Act.

(c) The redemption payment per container is determined by the Division pursuant to section 14560 of the Act and section 2900(b) of subchapter 12 of these regulations.

(d) The sum of the individual redemption payments by material type computed pursuant to subsection (b), shall equal the total redemption payment for the reporting period.

(e) Total Payment Due. The total payment due to the Division for each reporting period is calculated by subtracting the administrative fee computed pursuant to subsection (e) from the total redemption payment computed pursuant to subsection (b). The distributor shall submit to the Division the total payment due, accompanied by the reports required pursuant to section 2310.

(f) Recycling Center Handling Fee. The distributor shall negotiate a handling fee with each recycling center which returns or causes to be returned empty refillable beer or other refillable malt containers.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14561, 14572.5 and 14574, Public Resources Code.